

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6715**

**BILL NUMBER:** HB 1061

**NOTE PREPARED:** Feb 5, 2004

**BILL AMENDED:** Jan 29, 2004

**SUBJECT:** Statute of Limitations.

**FIRST AUTHOR:** Rep. Dickinson

**FIRST SPONSOR:**

**BILL STATUS:** As Passed House

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill provides that a civil action based on an allegation of childhood sexual abuse must be brought before the child becomes 31 years of age.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:** (Revised) Under current law, if a person over the age of 18 is the victim of a sex crime, that person must file a lawsuit to recover damages within two years of the date of the occurrence. If the person is under the age of 18 when the sexual abuse occurred, the two-year limitation does not begin until the person reaches the age of 18. Consequently, the person has until the age of 20 to file a civil lawsuit if the person was the victim of sexual abuse and was younger than 18 years of age. This bill increases the maximum age to 31 to file a civil lawsuit alleging sexual abuse as a child.

The added costs for the courts will depend on the number of cases filed and whether the defendant will request a jury trial. A portion of this cost will be recovered by any fees collected when the plaintiff files the lawsuit.

**Explanation of Local Revenues:** *Court Fee Revenue:* If additional civil actions occur, local governments

would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, city and town courts.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.